

**Supplemental  
Notice of Allowability**

**Application No.**

10/803,700

**Examiner**

AMANDA L. LAURITZEN

**Applicant(s)**

WEISS, KENNETH L.

**Art Unit**

3737

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Notice of Allowance mailed 10 July 2008 (supplemental to).
2. ☒ The allowed claim(s) is/are 1-5,12,13,18 and 21-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20080709.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

This action is a supplement to the Notice of Allowability dated 10 July 2008. A new Examiner's amendment to the record appears below. Detailed reasons for allowance are on the record and were submitted with the Notice of Allowability dated 10 July 2008.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William Morriss (Reg. No. 60,477) on 10 July 2008. The amendment herein below resolves all potential issues under 35 U.S.C. 101 and places the application in condition for allowance.

#### **The application has been amended as follows:**

Please replace claims 1 and 18 as follows:

1. A method of identifying a head position of a patient undergoing diagnostic imaging, comprising:  
obtaining a diagnostic image of a patient's head with a diagnostic imaging machine;  
performing an automated image processing operation to determine coordinates of a Talairach anterior commissure (AC) - posterior commissure (PC) reference line within the diagnostic image by identifying a line passing through a hard palate on the diagnostic image and utilizing the identified line to approximate the Talairach AC-PC reference line

as about 12 degrees more extended than the hard palate in a lateral midline image; and defining a coordinate system of the diagnostic image with reference to the Talairach AC-PC reference line.

18. A program product embodied in a tangible, recordable media, comprising:
- (a) a program configured to receive a thin section diagnostic image of a patient's brain from a CT diagnostic imaging machine and to determine coordinates of a Talairach anterior commissure (AC) - posterior commissure (PC) reference line within the thin section diagnostic image and to define a coordinate system of the diagnostic image with reference to the Talairach AC-PC reference line; and
  - (b) a tangible signal bearing media bearing the program; wherein the diagnostic image is a lateral computerized tomography (CT) scout image, wherein the program is further configured to receive a midline sagittal MR scan from an MR diagnostic imaging machine, and wherein the program is further configured to:
    - (a) identify a line passing through the hard palate on the MR scan;
    - (b) calculate an angle between the patient's hard palate and the Talairach AC-PC reference line in the MR scan;
    - (c) identify a line passing through the patient's hard palate on the diagnostic image; and,
    - (d) utilize the calculated angle to adjust a CT pitch prescription.

19. (previously cancelled)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMANDA L. LAURITZEN whose telephone number is (571)272-4303. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./  
Examiner, Art Unit 3737

AMANDA L. LAURITZEN  
Examiner  
Art Unit 3737

/Brian L Casler/  
Supervisory Patent Examiner, Art Unit 3737